

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

L.B., by and through her next friend)	
Judith Burk,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV2000 CDP
)	
MISSOURI DEPARTMENT OF)	
CORRECTIONS, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before me on my review of the file. This case was filed in 2008 and currently has 45 docket entries. Despite the substantial activity that has already taken place in the case, the Court learned only recently -- when plaintiff filed a motion for appointment of next friend -- that plaintiff is a minor child. At no time since the filing of this action has plaintiff's counsel redacted -- or requested redaction of -- plaintiff's personal identifier information. Rule 5.2 of the Federal Rules of Civil Procedure provides in pertinent part:

(a) Redacted Filings. Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, a party or nonparty making the filing may include only:

(1) the last four digits of the social-security number and taxpayer-identification number;

(2) the year of the individual's birth;

(3) the minor's initials; and

(4) the last four digits of the financial-account number. . .

(h) Waiver of Protection of Identifiers. A person waives the protection of Rule 5.2(a) as to the person's own information by filing it without redaction and not under seal.

Fed. R. Civ. P. 5.2.¹

Under Fed. R. Civ. P. 5.2(h), plaintiff is deemed to have waived protection of her personal information otherwise protected by Rule 5.2(a) by prosecuting this

¹Rule 2.17 of the Court's Local Rules provides in pertinent part as follows:

(A) Required Redaction.

In compliance with the policies of the Judicial Conference of the United States and the EGovernment Act of 2002, promoting electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers from all documents filed with the Court, including exhibits to such filings, unless otherwise ordered by the Court: . . .

(2) Names of Minor Children. Only the initials of minor children may be listed in the filing.

(B) Required Filing. Parties must, in addition to the redacted filing, file under seal with the Court either (1) an unredacted copy of the document, or (2) a reference sheet containing a key to the redacted personal identifiers. All paper documents filed under seal are subject to the provisions of Local Rule 13.05.


E.D.Mo. L.R. 5-2.17.

action in her own name, without redaction and without filing under seal.

However, now that plaintiff has been appointed a next friend, I will order the Clerk of the Court to redact plaintiff's name from the caption of the docket sheet and to substitute her initials. Future filings with this Court shall bear only the initials of the plaintiff, followed by the notation, "by and through her next friend Judith Burk."

Accordingly,

IT IS HEREBY ORDERED that the Clerk of the Court to redact plaintiff's name from the caption of the docket sheet and to substitute her initials, and future filings with this Court shall bear only the initials of the plaintiff, followed by the notation, "by and through her next friend Judith Burk."


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 7th day of May, 2009.